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U.S. COURT OF APPEALS

Michael E. VAN SICKEL^{II}, H-427601

Salinas Valley State Prison

P.O. Box 1050

Salinas California

93960

RICHARD W. WILKING
AS CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAN 29 2008

DOCKETED

DATE

INITIAL

In PRO-Per

CV 08

1179

NINTH CIRCUIT COURT OF APPEALS

In re
Michael E. VAN SICKEL^{II}
on HABEAS CORPUS

Request For Appointment
of Counsel and Declaration
of Indigency

VRW
(PR)

I (Michael E. VAN SICKEL^{II}) declare that I am petitioner to the above-referenced matter. That I am incarcerated at Salinas Valley State Prison and that I am indigent and unable to afford counsel. My total assets are (one TV set) and my income is \$0 per month

I hereby request that counsel be appointed in this matter so that my interest may be protected by the professional assistance required. In addition, when a court issues an order to show cause, counsel must be appointed for indigent petitioner who requested counsel. California Rules of Court, Rule 4.551(c)(2). There For This Petitioner PRAYES this Court For Relief
Petitioner is without remedy save by writ of habeas corpus reverse the guilty finding of the disciplinary charge, of life without no parole. Appoint Counsel and Remand Back to County of conviction For retrial on (U.S.C.A. Const Amend. 6.) and on Rhoden V. Rowland 172. F.3d 633, 99 Cal. Daily Op. Serv. 2161, 1999 Daily Journal D.A.R. 2821
United States Courts of Appeals Ninth Circuit, I declare under penalty of Perjury that the foregoing is true and correct and that this declaration was executed on (Salinas Valley State Prison) Michael E. Van Sichel^{II} 1,27-08

08-1179 VRW

YOUR HONOR

My name is Michael E. VANSICKEL^{II} and I am coming to you with a letter of injustice. For I am not a lawyer for my self, and I lack all of the true skills that it takes to be a member of the PRO-PER CASE WORKERS. Now that my case has been out of the courts for over 8 YEARS now I have come into information that tells me that I have the right to be taken back to court for a new trial, here is the case

Rhoden V. Rowland

172 F.3d 633

99 Cal. Daily Op. Serv. 2161, 1999 Daily Journal D.A.R. 2821
(United States Courts of Appeals, Ninth Circuit)
(Lawtis Donald RHODEN, Petitioner-Appellant)

Other Ground For Appeal. (U.S.C.A. Const Amend. 6.)

- (1) I Michael E. VANSICKEL DO SWEAR under the penalty of perjury that the Fowing statment are true and Honorable

Michael Edward VANSICKEL^{II}
Michael Edward VANSICKEL^{II}

Date 1-27-08

- (2) I Michael E VANSICKEL Did in Deed get hand cuffed in front of my JURY when the Honor asked For a recess by an officer of the Jail that I was in, his name is Officer Mcnichols With out a DO JUST CASE to DO SO, it was on DAY 3 of a 5 DAY JURY trial

- (3) and I Michael E. VanSickel^{II} did indeed tell my attorney at law that I and my family have been receiving threats from the public.
- (1) threat came to me by the Hells Angels telling me that if I beat my case in court that something bad will happen to my family. that I could beat my case in court that all they wanted of me is to do some time and that was 16 years ago.
 - (2) threat came to me in the mail telling me that when he first met me he wanted to kill me
 - (3) threat came to my Dad a man pulled out a gun on him with a threat to me
 - (4) threat came to my step mom over the phone
 - (5) threat came to my step Brother in the form of a beating by 3 to 4 people that made him have to be taken back to the Hospital to be stitched back together. with the following statement (that this is for little Mike) meaning me) The attorney was told to his ~~face~~ Face by my self of these threats.
 - (4) I Michael E. VanSickel^{II} had told his attorney at law that the jury had been talking about his case out of the court room and to them self

- (1) Jury statement a girl she said. I think that He is the Fall guy
- (2) Jury statement, a Boy stated why are we here then because he shot the man
- (3) I cant remember or be to shure what He and she said
- (5) I Michael E. Van Sickle^{II} had to point it out that there was a knife by the mans hand. the only reason why the knife had been talked about inside the court room was because I told him about it. (This knife was not entered into evidence the police collected evidians.)
- (6) I Michael E. Van Sickle^I gave key evidians to his attorney at law proving that there was no way that I could of shot this man over a women. For the fact that this man was a man lover. Michael E. Van Sickle^{II} Attorney at Law did not give this information to the courts. DOJ DA or police my attorneys opening statement You will find that my client shot him

Your Honor there are other Facts that I could use But I just wanted to show you that I have true injustice that I have been down your over 16 years on this and at onetime I was a good member of the drug community and that I could help your police out one day. by being released as a convicted Murder. the man pulled out a knife he wanted to kill me First can prove this in court if given the true chance to do so

Thank you for your time

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT
P.O. Box 193939
95 Seventh Street
San Francisco, CA. 94119-3939**

February 11, 2008

Michael E. Van Sickel #H-42760
A5-103
Salinas Valley State Prison
P.O. Box 1050
Soledad, CA. 93960

Dear Mr. Van Sickel:


This court is in receipt of your recent correspondence to this court. A review of the record reflects no pending cases filed by you in this court. We are a court of limited jurisdiction which means that it can only review cases which have been first filed and then decided in a U.S. District Court within this circuit.

Your correspondence is being returned to you in the event that you wish to pursue your action in the U.S. District Court.

Sincerely,

MOLLY C. DWYER
Acting Clerk of the Court

By:


Joseph Williams
Deputy Clerk

Michael E. VANSICKEL^{II}
 #42760, AS 103
 Salinas Valley State Prison
 P.O. Box 1050
 Salinas California 93960

IN PRO PER

U.S. District Court

in re
 Michael E. VANSICKEL^{II}
 on HABEAS CORPUS

Request For appointment
 of Counsel and Declaration
 of Indigency

I (Michael E. VANSICKEL^{II}) declare that I am Petitioner to the above - referenced matter. That I am incarcerated at Salinas Valley State Prison and that I am indigent and unable to afford counsel. My total assets are one TV and my total income is 0 \$ per month. I hereby request that counsel be appointed in this matter. So that my interest may be protected by the professional assistance required. In addition, when a court issues an order to show cause, counsel must be appointed for indigent Petitioner who requested counsel.

California Rules of Court, Rule 4.55(c)(2). There for this Petitioner

Prays this Court for relief Petitioner is with out remedy save by writ of habeas corpus reverse the guilty Finding of the disciplinary charge, of life with out parole. Appoint Counsel and Remand Back to County of conviction For retrial on C.U.S.C.A. Const Amend. 6.) and on Rhoden V. Rowland 172, F.3d 633, 99 Cal. Daily Op. Serv. 2161, 1999 Daily Journal D.A.R. -2821 United States courts of appeals Ninth Circuit. I declare under the penalty of perjury that the foregoing is true and correct at that this declaration was executed at Salinas Valley State Prison

Michael E. VANSICKEL^{II}
 Michael E. Vansickel²

2-24-08

W. J. 2008-02-24-08



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